

RECEIVED

FEB 10 2004

TC 1700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : YOGO, et al.

Serial No. : 10/085,500

Group Art Unit: 1765

Filed : February 26, 2002

Examiner: SONG, Matthew J.

For : CALCIUM FLUORIDE CRYSTAL AND METHOD AND  
APPARATUS FOR PRODUCING SAME**RESPONSE TO RESTRICTION REQUIREMENT**COMMISSIONER OF PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

This paper is submitted in response to the Restriction Requirement, dated August 22, 2003, that was issued in this case. A Petition for Extension of Time is filed concurrently herewith, extending the due date for responding until February 22, 2004.

In response to the Restriction Requirement in which the pending claims 1-17 were subject to restriction, Applicants provisionally elect, with traverse, to prosecute Group I, claims 1 to 9. In conjunction with this election, Applicants offer the following remarks:

In the Official Action, restriction under 35 U.S.C., §121 is required to one of the following groups of inventions:

- I. Claims 1-9, drawn to a method, classified in class 117, subclass 11.
- II. Claims 10-12, drawn to an apparatus, classified in class 117, subclass 200.
- III. Claims 13-14, drawn to a product, classified in class 359, subclass 350.
- IV. Claims 15, drawn to an apparatus, classified in class 355, subclass 67.
- V. Claim 16, drawn to a method, classified in class 438, subclass 800.
- VI. Claim 17, drawn to a product, classified in class 372, subclass 5.

As set forth in detail in paragraph 2 of the Restriction Requirement, it is the Examiner's position that restriction for examination purposes as indicated is proper because the inventions are distinct from each other.

Applicants disagree with the Examiner's characterization of the claimed inventions in the grouping identified by the Examiner and their respective relationship to each other as stated and make the above election with traverse.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; and
- (2) There must be serious burden on the examiner if restriction is not required.

Applicants respectfully submit that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together.

The Examiner has not shown that examination of all the pending claims would require undue searching and/or place a serious burden on the Examiner, which is the required showing for proper issuance of a restriction requirement.

It is respectfully submitted that it would not be unduly burdensome for the Examiner to search the classifications identified for all claimed inventions at least because of the relationships between the various invention groupings as admitted by the Examiner. As such, Applicants respectfully traverse the requirement for restriction at least on these grounds that searching any of these groups of inventions would not be unduly burdensome and, in fact, would be necessary to ensure a complete and exhaustive search for a proper examination on the merits of any one of the identified Groups of Inventions as a proper search should include the search

directed to at least each of the other inventions as grouped in the Office Action.

In view of the foregoing, Applicants respectfully submit that the Requirement for Restriction is improper for at least the reasons stated, and request that the Restriction Requirement be withdrawn and all filed claims (i.e., 1-17) be examined on the merits.

**AUTHORIZATION**

Should a telephone conference facilitate prosecution in any manner, the Examiner is invited to contact the undersigned at the number provided.

The Commissioner is authorized to charge any fees or credit any overpayments which may be required for this paper to Deposit Account Number 13-4500, Order No. 1232-4829.

**A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

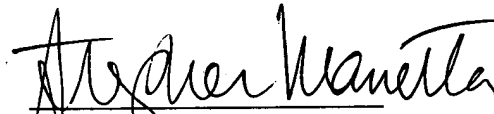
An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: January 29, 2004

By:

  
Stephen J. Manetta  
Registration No. 40,426

Mailing address:  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800 (Telephone)/(212) 751-6849 (Facsimile)